

and one registered architect or person experienced in the building and construction field. In the case of a county, at least one member of the board shall be a farmer. Not more than two members of the board of review shall be of the same profession or occupation and members of the board of review shall be residents of the assessor jurisdiction. The terms of the members of the board of review shall be for six years, beginning with January 1 of the year following their selection. In boards of review having three members the term of one member of the first board to be appointed shall be for two years, one member for four years and one member for six years. In the case of boards of review having five members, the term of one member of the first board to be appointed shall be for one year, one member for two years, one member for three years, one member for four years and one member for six years.

2. However, notwithstanding the board of review appointed by the county conference board pursuant to subsection 1, a city council of a city having a population of seventy-five thousand or more, which is a member of a county conference board may provide, by ordinance, for a city board of review to hear appeals of property assessments by residents of that city. The members of the city board of review shall be appointed by the city council. The city shall pay the expenses incurred by the city board of review. All of the provisions of this chapter relating to the boards of review shall apply to a city board of review appointed pursuant to this subsection.

3. Notwithstanding the previous paragraph requirements of subsection 1, the conference board or a city council which has appointed a board of review may increase the membership of the board of review by an additional two members if it determines that as a result of the large number of protests filed or estimated to be filed the board of review will be unable to timely resolve the protests with the existing number of members. These two additional emergency members shall be appointed for a term set by the conference board or the city council but not for longer than two years. The conference board or the city council may extend the terms of the emergency members if it makes a similar determination as required for the initial appointment.

Approved April 25, 1995

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## CHAPTER 75

### ELIMINATION OF VICTIM RESTITUTION FOR CERTAIN TRAFFIC OFFENSES

S.F. 386

**AN ACT** relating to restitution in certain traffic offenses which are simple misdemeanors.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 910.2, Code 1995, is amended to read as follows:

910.2 RESTITUTION OR COMMUNITY SERVICE TO BE ORDERED BY SENTENCING COURT.

In all criminal cases ~~including but not limited to~~ except simple misdemeanors under chapter 321, in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that restitution be made by each offender to the victims of the offender's criminal activities, to the clerk of court for fines, penalties, surcharges, and, to the extent that the offender is reasonably able to pay, for crime victim assistance reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender when applicable. However, victims

shall be paid in full before fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expenses of a public defender are paid. In structuring a plan of restitution, the court shall provide for payments in the following order of priority: victim, fines, penalties, and surcharges, crime victim compensation program reimbursement, court costs, and court-appointed attorney's fees, or the expense of a public defender. When the offender is not reasonably able to pay all or a part of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or the expense of a public defender, the court may require the offender in lieu of that portion of the crime victim compensation program reimbursement, court costs, court-appointed attorney's fees, or expense of a public defender for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private, nonprofit agency which provides a service to the youth, elderly, or poor of the community. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Approved April 25, 1995

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**CHAPTER 76**  
**RESIDENT FISHING AND HUNTING LICENSES**  
*H.F. 113*

**AN ACT** relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals and providing for other properly related matters.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 483A.1A, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. "Resident" means a natural person who:

- a. Meets any of the elements specified in section 321.1A, subsections 1 through 6 only.
- b. Is a full-time student at an educational institution located in this state and resides in this state while attending the educational institution. A student qualifies as a resident pursuant to this paragraph only for the purpose of purchasing any resident license specified in section 483A.1 or 484A.2.
- c. Is a nonresident under eighteen years of age whose parent is a resident of this state.

Sec. 2. Section 483A.26, Code 1995, is amended to read as follows:

**483A.26 FALSE CLAIMS.**

A nonresident shall not obtain a resident license by falsely claiming residency in the state. ~~The presumptions and provisions of section 321.1A relating to residency apply to licenses under this chapter.~~ The use of a license by a person other than the person to whom the license is issued is unlawful and nullifies the license.

Approved April 25, 1995